

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RICHARD LIEBERMAN,	:	CIVIL ACTION
	:	NO. 14-3393
Plaintiff,	:	
	:	
v.	:	
	:	
CORPORACION EXPERIENCA	:	
UNICA, S.A., et al.,	:	
	:	
Defendants.	:	

RICHARD KREIBICH, et al.,	:	CIVIL ACTION
	:	NO. 14-5102
Plaintiffs,	:	
	:	
v.	:	
	:	
PLAYA DULCE VIDA, S.A., et al.,	:	
	:	
Defendants.	:	

**O R D E R**

**AND NOW**, this **22nd** day of **March, 2018**, upon consideration of Defendants' motions in limine (Lieberman ECF Nos. 73, 74, 76, 85, 86; Kreibich ECF Nos. 57, 58, 60, 69, 71), Plaintiffs' responses thereto, and after a hearing on the record with counsel for the parties, it is hereby **ORDERED** as follows:

1. Defendants' Motions to Strike Punitive Damages Claims (Lieberman ECF No. 73; Kreibich ECF No. 57) are **DENIED without prejudice**.

2. Defendants' Motions Seeking Dismissal of Claims for Failure to Join Necessary Parties (Lieberman ECF No. 74; Kreibich ECF No. 58) are taken **UNDER ADVISEMENT**.

3. Defendants' Motions to Preclude Lay Testimony (Lieberman ECF No. 76; Kreibich ECF No. 60) are **GRANTED in part and DENIED in part** in the manner stated on the record.

4. Defendants' Motions to Strike Undisclosed Witnesses (Lieberman ECF No. 85; Kreibich ECF No. 69) are **DENIED**.

5. Defendants' Motions to Preclude Alter Ego Evidence (Lieberman ECF No. 86; Kreibich ECF No. 71) are **GRANTED**.<sup>1</sup>

6. It is further **ORDERED** that that Lieberman and Kreibich will not be consolidated for trial and will be tried separately.<sup>2</sup>

7. The parties shall submit a proffer of testimony regarding each proposed witness by **April 23, 2018**.<sup>3</sup>

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<sup>1</sup> See Memorandum Opinion. Lieberman ECF No. 36 at 30-39 (dismissing alter ego claims).

<sup>2</sup> See Lieberman ECF No. 18 (consolidating the cases for pretrial and discovery purposes only). The Lieberman case will be tried first.

<sup>3</sup> Each proffer shall include the name of the witness; a proffer of that witness's trial testimony (approximately one paragraph in length); and any documents upon which the witness will rely for his or her testimony.

8. A final pretrial conference is **SCHEDULED** for **May 30, 2018, at 9:30 a.m.**, in Courtroom 15A, United States Courthouse, 601 Market Street, Philadelphia, Pennsylvania.<sup>4</sup>

10. Revised pretrial memoranda pursuant to Local Rule of Civil Procedure 16.1(c); proposed voir dire questions, jury instructions<sup>5</sup>, special interrogatories, and verdict forms for a jury trial (or proposed findings of fact and conclusions of law for a non-jury trial) shall be filed by **May 21, 2018**.

**AND IT IS SO ORDERED.**

/s/ Eduardo C. Robreno  
EDUARDO C. ROBRENO, J.

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<sup>4</sup> The parties shall be prepared to select a date certain for trial during the final pretrial conference.

<sup>5</sup> Each proposed jury instruction should be numbered, should appear on a separate page, and should include citations to the authorities supporting the proposed instruction.